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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/922,462	09/03/1997	JAMES R. DEFRANCESCO	104570-498-NP	1577
24964	7590	08/01/2005	EXAMINER	
GOODWIN PROCTER L.L.P 103 EISENHOWER PARKWAY ROSELAND, NJ 07068			NGUYEN, NGA B	
			ART UNIT	PAPER NUMBER
			3628	

DATE MAILED: 08/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

08/922,462

**Applicant(s)**

DEFRANCESCO ET AL.

**Examiner**

Nga B. Nguyen

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 May 2005.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 17,39,40 and 62 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 17,39,40 and 62 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. This Office Action is the answer to the Amendment filed on May 13, 2005, which paper has been placed of record in the file.
2. Claims 17, 39, 40, and 62 are pending in this application.

### ***Response to Arguments/Amendment***

3. Applicant's arguments with respect to claims 17, 39, 40, and 62 have been considered but are not persuasive.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 17, 39, 40, and 62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dykstra et al (hereinafter Dykstra), U.S. Patent No. 5,611,052, in view of Branch Banking & Trust Cop. (hereinafter BB&T), "Automated review system drives BB&T's subprime loan business".

Regarding claim 17, Dykstra discloses a computer implement method of managing a credit application, the method comprising the steps of:

receiving credit application data from the remote application entry and display device (column 4, lines 12-35);

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selectively forwarding the credit application data and the credit report data to remote funding source terminal devices (figure 2A, step 120); and

forwarding funding decision data from at least one of the remote funding source terminal device to remote application entry and display device (figure 2A, step 122).

Examiner submits that the selectively forwarding the credit application data step further comprises the election of sub-steps, examiner has the right to elect one of the sub-steps, examiner decides to elect the sub-step: sending the credit application from a first remote funding source to a second remote funding source if the first funding source declines to approve the credit application.

Dykstra does not teach: the selectively forwarding the credit application data step further comprises: sending the credit application from a first remote funding source to a second remote funding source if the first funding source declines to approve the credit application. However, BB&T teaches the selectively forwarding the credit application data step further comprises: sending the credit application from a first remote funding source to a second remote funding source if the first funding source declines to approve the credit application (page 1, lines 40-50). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Dykstra's to adopt the teaching of the BB&T above for the purpose of allow the borrower with a high credit risk can obtain a loan from the second lender, when the first lender does not approve loan to the borrower.

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Regarding claim 39, Dykstra further teaches the remote application entry and display device includes a data entry terminal for manual entry of the credit application data (figure 1, item 26).

Regarding claim 40, Dykstra further discloses aggregating data from each or the plurality of dealerships; and providing the dealer with a consolidated report using the aggregated data (see figure 1, item 26 and column 4, lines 12-40).

Regarding to claim 62, Dykstra further discloses obtaining credit report data from at least one remote credit bureau terminal device (column 4, lines 41-65).

### ***Conclusion***

6. Claims **17, 39, 40, and 62** are rejected.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Nga B. Nguyen whose telephone number is (571) 272-6796. The examiner can normally be reached on Monday-Thursday from 9:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on (571) 272-6799.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-3600.

8. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

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C/o Technology Center 3600

Washington, DC 20231

Or faxed to:

(703) 872-9306 (for formal communication intended for entry),

or

(571) 273-0325 (for informal or draft communication, please label

"PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to Knox building, 501 Dulany  
Street, Alexandria, VA, First Floor (Receptionist).

Nga B. Nguyen

A handwritten signature in cursive script, appearing to read 'Nga B. Nguyen'.

July 20, 2005